IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No.619 of 2007.

Date of decision: 5.9.2007.

Amar Singh Verma ……. Petitioner

Vs.

State of H.P. …. Respondent.

Coram

The Hon'ble Mr. Justice Kuldip Singh, Judge.

Whether approved for reporting?[1]

For the Petitioner : Mr. Onkar Jairath, Advocate.

For the Respondent M.L. Chauhan, Additional Advocate General.

Kuldip Singh, Judge. **(Oral)**

This is an application under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.128/2007 dated 3.7.2007 under Sections 341, 147, 148, 149, 336, 427, 506 , 109 IPC and Sections 25, 54, 59 of the Arms Act registered at Police Station, Theog, District Shimla .

The brief facts of the case are that Nand Lal and others came to the Police Post , Fagu on 30.7.2007 along with a gun and reported that he is vice President of Shanteya Panchayat, on 2.7.2007 Parmanand etc. had dug a pit on Shanteya- Malel road and closed the road which

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Whether the reporters of the local papers may be allowed to see the Judgment?

has caused wide spread resentment among the people, but no body had taken any action. On 3.7.2007 at about 8.30. a.m. he was in his house, Partap Singh called him on the road and accordingly he went there. Subash and Partap etc. were present on the road and they were having bags of cabbage with them and they told that Parmanand, Shyam Lal, Ishwari Dutt and Mohan Chand who are real brothers have asked them not to use the road. Parmanand etc. even on his request did not agree for using the road by others. The local people with their vegetable sacks proceeded ahead. At this Parmanand etc. took out concealed gun and fired twice but fortunately the shot did not hit any person. He quickly snatched the gun and requested both the parties not to quarrel. Parmanand etc. despite this abused others and proclaimed that the President Amar Singh has asked him that even if he would commit 2 to 4 murders he would see that nothing happens to him. On this report the case was registered.

Heard and perused the record.

The learned counsel for the applicant has submitted that applicant has been falsely implicated in the case. The gun does not belong to the applicant. The applicant did not use the gun. He has submitted that other accused have been released on bail. The learned Additional Advocate General has submitted that the accused has committed serious offence. They fired twice from the gun but fortunately gun shot did not hit any body. The allegations against the applicant are serious. The gun has been used and fired by Parmanand. The other accused have

already been released on bail. In my opinion custodial investigation is not required in the present case.

In the facts and circumstances of the case, the application is allowed. The applicant is ordered to be released on bail, in the event of his arrest in FIR No.128 of 2007 dated 3.7.2007 under Sections 341, 147, 148, 149, 336, 427, 506 , 109 IPC and Sections 25, 54, 59 of the Arms Act registered at Police Station, Theog, District Shimla, subject to his furnishing personal and surety bonds in the sum of Rs.5,000/- each to the satisfaction of Arresting Officer with the following conditions:-

(i) That the petitioner shall make himself available for interrogation to the Investigating officer;

(ii) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The observations made in this order are for disposal of this application and these shall not be treated an expression of opinion on the merits of the case.

Copy Dasti on usual terms.

(Kuldip Singh)
Judge

September 5, 2007
(sks)